

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Michael Lyon,	)	Case no. 1:15-cv-02320
	)	
Plaintiff,	)	Judge Christopher A. Boyko
	)	
vs.	)	Magistrate Judge Kenneth S. McHargh
	)	
Trans Union, LLC, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**PLAINTIFF’S MOTION TO AMEND COMPLAINT *INSTANTER*  
AND TO ADD NEW PARTY-DEFENDANTS**

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Plaintiff Michael Lyon (“Plaintiff”), by and through his undersigned counsel, hereby moves this Court for an order permitting him to file the Amended Complaint attached hereto as Exhibit A pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, and to add new party-defendants pursuant to Rule 20(a)(2), for the reasons and authorities set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Rachel L. Steinlage  
Rachel L. Steinlage (0079450)  
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*Counsel for Plaintiff, Michael Lyon*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 11, 2016, a true and correct copy of the foregoing *Plaintiff's Motion to Amend Complaint Instantly and to Add New Party-Defendants* was sent by regular U.S. mail, postage prepaid, to the following:

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*Attorneys for Defendant American Express Bank, FSB*

/s/ Rachel L. Steinlage  
Rachel L. Steinlage (0079450)

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Defendants.	)	

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**MEMORANDUM IN SUPPORT OF PLAINTIFF’S MOTION TO AMEND  
COMPLAINT *INSTANTER* AND TO ADD NEW PARTY-DEFENDANTS**

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Plaintiff Michael Lyon (“Plaintiff”) seeks an order of this Court deeming the Amended Complaint attached hereto as Exhibit A filed as of the date any order granting this motion is entered on the Court’s docket, and adding American Recovery Systems, Inc. and Experian Marketing Solutions, Inc. (“Experian”) as new party-defendants, for the reasons and authorities set forth below.

**I. INTRODUCTION**

Plaintiff originally filed this case in the United States District Court for the Eastern District of Pennsylvania against Trans Union, LLC and Equifax, alleging violations of the Fair Credit Reporting Act (“FCRA”). Plaintiff also has pending in this district a separate lawsuit against American Recovery Systems, Inc. (“ARSI”), as a result of which, Plaintiff obtained information through the discovery process which revealed additional claims against American Express and ARSI. Accordingly, Plaintiff seeks to amend his Complaint to allege additional

causes of action against American Express, as well as adding ARSI and Experian Marketing Systems, Inc. as additional parties herein.

## **II. LAW AND ARGUMENT**

### **A. Amendment of the Complaint is Proper under Rule 15(a)**

Plaintiff seeks leave to amend its Complaint to include additional parties as defendants herein, and to add causes of action to his Complaint. Under Rule 15(a)(2), once the original complaint has been answered, amendments require leave of court. The Rule instructs the courts to “freely give leave [to amend] when justice so requires.” FED. R. CIV. P. 15(a)(2).

Here, leave to amend is being sought by Plaintiff within the deadlines set by the Court, and is based upon information discovered since the filing of this case with respect to American Express, ARSI, and Experian. Accordingly, the interests of justice would be served by having all parties and all claims against them relating to the FCRA violations be heard and determined in the same case. Therefore, Plaintiff’s motion to amend the complaint should be granted.

### **B. Addition of New Parties is Proper under Rule 20(a)**

Plaintiff also seeks to add ARSI and Experian as new party-defendants under Rule 20(a).

That Rule permits the addition of new parties when:

- (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
- (B) any question of law or fact common to all defendants will arise in the action.

FED. R. CIV. P. 20(a)(2). In this case, Plaintiff’s right to relief involves a common question of law against all Defendants, including the new party-defendants: whether they violated the FCRA. The determination of this legal question arises under the same set of facts, surrounding the

continued pursuit of Plaintiff to pay debts for which he has no personal liability; and the transactions and occurrences that followed American Express' wrongful attempts to collect from Plaintiff, including representations and reports made to ARSI, Transunion and Experian, and the violations of the FCRA by those entities. Accordingly, addition of ARSI and Experian as party-defendants is proper under Rule 20(a)(2) and will serve the interests of justice. Therefore, Plaintiff's motion to add these new parties should be granted.

### **III. CONCLUSION**

Based upon the foregoing, Plaintiff respectfully requests that his motion be granted, that the Court enter an order deeming the Amended Complaint attached hereto as Exhibit A filed as of the date such order is entered on the Court's docket, permitting the addition of new party-defendants; and granting such other and further relief as may be deemed just and fair.

Respectfully submitted,

/s/ Rachel L. Steinlage  
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